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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/807,774 | 04/17/2001 | Harald Kaufmann | 584.14-US1 | 4626 |
| 34284 | 7590 | 11/18/2005 | EXAMINER | |
| ROBERT D. FISH RUTAN & TUCKER LLP 611 ANTON BLVD 14TH FLOOR COSTA MESA, CA 92626-1931 | | | CRENSHAW, MARVIN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,774

Applicant(s)

KAUFMANN, HARALD

Examiner

Marvin P. Crenshaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the RCE filed on 08/08/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 - 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 - 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 - 22, 24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nellessen et al. in view of Nelson.

Nellessen et al. teaches applying a reflection ink layer comprising a plurality of reflection particles (Fig. 1, metal coated microspheres) directly onto a substrate and wherein said reflection particles are added to the reflection ink (Fig. 1, printable vehicle) before applying the reflection ink onto the substrate and drying (Fig. 2) the reflection ink layer such that at least some of the reflection particles are raised above the reflection ink layer.

However, Nellessen et al. does not teach the manufacture of a screen print reflection transfer having an adhesive-repellant base medium and a transfer adhesive.

Nelson teaches a process for the manufacture of a screen print reflection transfer (Fig. 1) comprising the steps of initially providing an adhesive-repellant base medium (20), applying a transfer adhesive (14) on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive and with the proviso

that where the transfer adhesive is directly applied to the base medium, the transfer adhesive is not clear translucent (See col. 2, lines 35 – 39).

It would have been obvious to one of ordinary skill in the art to modify Nellessen et al. to have the adhesive-repellant base medium and a transfer adhesive as taught by Nelson to provide an means for allowing the retroreflective structure to be easily attachable to a substrate.

With respect to the recited optional intermediate ink layer being optionally applied in an additional step directly on the transfer adhesive in claims 19, 21 and 27, since this intermediate ink layer is not positively required, it is not given any patentable weight. Therefore, no prior art is applied to show this optional element.

With respect to claims 20, characterized that the transfer adhesive is dried after application onto the base medium and before applying at least one of the reflective ink and the intermediate ink layer would be obvious to one of ordinary skill in the art to do it that way first for forming the substrate and not to let the wet adhesive to distort the image to be printed.

With respect to claim 24 and 26, Nellessen et al. does not teach the transfer adhesive is transparent, colored translucent or full colored and in particular that is full-color white and the transfer layers are printed onto the base medium in such a way that a motif is represented.

Nelson teaches a process wherein the transfer adhesive is transparent, colored translucent or full colored, and in particular that it is full-color white (See col. 2, lines 35 – 39) and a process wherein the transfer layers (Fig. 2) are printed onto the base

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medium in such a way that the motif represented is of the correct side in the plan view (Fig 2, image).

It would have been obvious to modify Nellesen et al. to have the transfer adhesive is transparent, colored translucent or full colored and in particular that is full-color white and the transfer layers are printed onto the base medium in such a way that a motif is represented as taught by Nelson to provide an efficient means so that the image can be seen as if through a glass door.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nellessen et al. in view of Nelson, as applied to claims 19 and 22 above, and further in view of LaPerre.

Nelson as modified by Nellessen et al. teach all that is claimed, in the above rejection of claims 19 - 22, 24, 26 and 27, except for the additional step of applying the transfer adhesive and the reflection particles being in a spherical shape.

LaPerre teaches the process wherein a transfer medium (See col. 15, lines 1 - 20) is additionally applied to the dried and hardened transfer, the process wherein the reflection particles are used which are essentially spherical in shape and which have a grain diameter (See col. 10, lines 50 - 58) in the range from 10 to 100 μ m, preferably 25 to 40 μ m, or which essentially have the form of chips or needles and a longitudinal extension in the range from 10 to 110 μ m, preferably 40 to 80 μ m, or a mixture thereof.

It would have been obvious to further modify Nelson to have the additional step of applying a transfer medium and the reflection particles being in a spherical shape as

taught by LaPerre to provide an improved and efficient means for making a transfer adhesive.

Response to Arguments

Applicant's arguments filed August 22, 2005 have been fully considered but they are not persuasive. Specifically, Nelllessen et al. teaches the application of drying an ink layer so that reflection particles are raised above the ink layer.

Also, Nelson has been added to teach a reflection transfer wherein an transfer adhesive is not clear translucent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

November 10, 2005



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